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MADA INTERNATIONAL AUTO AUCTION,	:
INC., etc., et ano.,	:
	:
	:
Plaintiffs,	:
	:
-against-	:
	:
BRIDGESIDE INCOPORATED, etc., et al.,	:
	:
Defendants.	:
	:
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<b>COGAN</b> , District Judge.	

Plaintiffs’ response to the Order to Show Cause misses the point entirely. If defendants engaged in improper conduct that made compliance with the schedule set by this Court impossible (a claim which, in my view, plaintiffs have not proven in any event), plaintiffs had an obligation to timely call it to the Court’s attention, in compliance with this Court’s procedures, so it could be addressed. Having failed to do so, plaintiffs have waived the right to challenge such conduct, and I will not consider their claims. All that remains after that is plaintiffs’ non-compliance with this Court’s Orders.

Plaintiffs shall file their expert report by January 8, 2008, or their expert shall be precluded. Plaintiffs shall produce their expert for deposition, if defendants desire it and at plaintiffs' expense, in court on January 11, 2008 following the final pretrial conference.

Defendants shall serve any rebuttal report by January 25, 2008, and their expert shall be deposed on January 28, 2008, also at plaintiffs' expense, if plaintiffs want the deposition. Submission of a pretrial order is waived since the parties appear unable to prepare one. Instead, on January 8, 2008, the parties shall exchange proposed exhibit lists. At the pretrial conference scheduled for

January 11, 2008, the parties shall bring copies of all proposed exhibits, including a set for the Court, and shall be prepared to raise any objections to the exhibits offered by the opposing side, which the Court will then rule on. Additionally, at the pretrial conference, the parties shall identify each witness they intend to call and the order in which their witnesses will be called. These dates will not be adjourned.

**SO ORDERED.**

s/Brian M. Cogan

U.S.D.J.

Dated: Brooklyn, New York  
January 1, 2008